



## CITY OF MORGAN HILL

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### PLANNING COMMISSION MINUTES

#### REGULAR MEETING

**FEBRUARY 8, 2000**

**PRESENT:** Kennett, Lyle, McMahon, Mueller, Pinion, Ridner, Sullivan

**ABSENT:** None

**LATE:** None

**STAFF:** Planning Manager (PM) Rowe, Associate Engineer (AE) Creer, and Administrative Secretary Smith

#### REGULAR MEETING

Chairman Pinion called the regular meeting to order at 7:07 p.m.

#### PUBLIC COMMENTS

Chairman Pinion opened the meeting to public comments.

There being none, the public comments were closed.

#### DECLARATION - POSTING OF AGENDA

Administrative Secretary Smith certified that this meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

#### MINUTES:

**JANUARY 11,  
2000**

**ON A MOTION BY COMMISSIONERS MUELLER/RIDNER THE MINUTES  
OF THE JANUARY 11, 2000 MEETING WERE APPROVED BY A 7-0 VOTE,  
WITH THE FOLLOWING AMENDMENTS:**

- 1) Page 3, paragraph 4, sentence 17 amended to read: ".....that when they **aretier ranking** up or tier **ranking** down, ....."
- 2) Page 4, paragraph 4, sentence 2 amend to read: ".....**CRITERIA B2B AND B2C GLOBAL ISSUES** ....." ; and
- 3) Page 6, paragraph 4, sentence 2 amended to read: "..., which is **not** part of this same project **application**."

**JANUARY 18,  
2000**

**ON A MOTION BY COMMISSIONERS KENNETT/LYLE THE MINUTES OF THE JANUARY 18, 2000 MEETING WERE APPROVED BY A 7-0 VOTE, WITH THE FOLLOWING AMENDMENTS:**

1) Page 13, paragraph 7, sentence 3 amended to read: **".....BE ENTITLED TO 1 2 ADDITIONAL POINTS, BASED ON THE GRANNY UNITS. STAFF TO REVIEW THIS ITEM."**

**JANUARY 25,  
2000**

**ON A MOTION BY COMMISSIONERS MCMAHON/MUELLER THE MINUTES OF THE JANUARY 25, 2000 MEETING WERE APPROVED AS WRITTEN BY A 7-0 VOTE.**

### **CONSENT**

**1) VACATION OF SUNSET AVENUE** The Public Works Department is recommending the vacation of a portion on Sunset Ave. between Denali Drive and Cosmo Avenue.

**COMMISSIONERS MUELLER/RIDNER MOTIONED TO APPROVE BY CONSENT THE REQUEST FOR VACATION OF SUNSET AVENUE. THE MOTION CARRIED 7-0.**

### **OLD BUSINESS**

**2) APPROVAL OF FINAL RDCS SCORES AND AWARD OF BUILDING ALLOCATIONS FOR FY 2001-02 OPEN MARKET COMPETITION**

PM Rowe reviewed the staff report, concluding with a request for the Commission to approve the final scores recommended by Staff, with the exception of the score for the MP-99-13: E. Central-Central Park project. He indicated that the Schools category B2b for the Central Park project was adjusted by 1 point, resulting in a total project score of 178.

The commission entered into discussion. Commissioner Lyle pointed out that for the MP-99-16: Hill-O'Connell project, that there is an inconsistency for scoring purposes in acknowledging the existence of the park under the Open Space category criterion B1d, and choosing not to acknowledge the existence of the park under the Parks and Paths category criterion B6. PM Rowe explained Staff's interpretation of the term "future development" for scoring purposes, and added that if the Commission direction to Staff is not to acknowledge the existence of the park under the Parks and Paths category because it does not as yet have final map approval, then the project will need to be looked at in a more comprehensive manner. He noted that adjustments would possibly need to be made in a number of other scoring areas. Staff was given direction to review the consistency issue with respect to Open Space and Parks and Paths, as to whether to acknowledge the previously allocated Morgan Meadows project next to the Tovare project. PM Rowe stated that Staff will also review this issue in the broader context and see how Staff has treated other projects both this year and in prior competitions, and advise if within various categories this would effect the final score of that project and the other projects in the competition.

Commissioner Lyle also questioned why the points were deserving under the Natural and Environmental Features category criterion B2b with respect to the "RPD development practices", noting that there is no indication of the clustering of the units in this project this year, and that in past competitions the "RPD development practice" was that the units be clustered so that more open space is created. He stated that last year the applicant indicated that the project used clustering to protect the value of important open space areas, and that it was originally not given points, then it was given points. Commissioner Lyle continued by also expressing concern that the applicant stated that he received the points last year for this criterion and that he should receive points this year, when the project looks totally different. PM Rowe stated that Staff felt that the "RPD development practices" utilized for this project were that a significant portion of the site either faces the frontage road or the open space areas, rather than establishing backyard fences adjacent to the area to minimize or obstruct the view. Commissioner Lyle stated that he felt that the "RPD development practices" this year are extremely marginal. Commissioner Sullivan commented that without a clear definition of what the "RPD development practices" are and which ones are useful, that she felt that they are working in a nebulous area, and requested clarification from Staff of what the "RPD development practices" are for future competitions. Commissioner Mueller stated that he felt that the important issue is consistency across the scoring of the projects, and suggested that Staff be given the opportunity to do further review of the scoring issues mentioned; that the Commission should continue to discuss various allocation scenarios and give Staff direction; and that approval of the final scores be continued to the February 22nd meeting date.

At this time, PM Rowe reviewed the allocation distribution requirements, and advised the Commission that they have the authority to move allocations among the different set-aside categories as they deemed necessary. He also reminded the Commission that the City Council has requested that the Commission distribute allocations more evenly from year to year.

**COMMISSIONERS LYLE/SULLIVAN MOTIONED TO APPROVE THE ASSIGNMENT OF THE 8 PARTIALLY COMPLETED ALLOCATIONS TO THE 44 UNIT OPEN-MARKET COMPETITION. THE VOTE PASSED UNANIMOUSLY.**

Commissioner Mueller suggested that the Commission proceed by addressing the small project allocations, set ground rules for looking at the open market rate, and give direction based on those results, and if a shortage in units is needed, then maybe they could consider utilizing some of the micro allocations.

Commissioner Lyle shared that upon his review of existing projects, he found that going into this competition that there is currently a backlog of 600 unallocated units to finish projects that have already received some allocations or have built some units and need additional ones in order to complete their projects. He stated that he is very interested in doing whatever can be done to keep existing projects going rather than to start new ones.

**COMMISSIONERS MUELLER/RIDNER MOTIONED TO PRESERVE THE SMALL PROJECTS SET ASIDE AT 15, AND TO DIRECT STAFF TO**

**INITIALLY WORK ON AWARDING THE 15 ALLOCATIONS, OR AS CLOSE TO 15 AS POSSIBLE, TO SMALL PROJECTS. THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Lyle also pointed out that under the new criteria, that the MP-99-13: E. Central-Central Park project would not be allowed to receive all the 10 allocations requested because the number of units requested for each subsequent fiscal year shall be no more than 25% above the average fiscal year allotment for all prior phases of the development.

**COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO CONTINUE THIS ITEM TO THE FEBRUARY 22, 2000 MEETING DATE. THE MOTION CARRIED ON A VOTE OF 7-0.**

### **NEW BUSINESS**

**3) UP-99-11:  
LLAGAS-  
SHADOW  
MOUNTAIN  
BAPTIST  
CHURCH**

A request for approval of a conditional use permit to allow for a 3,600 sq. ft. addition to an existing 5,365 sq. ft. facility located on the south east corner of the intersection of Llagas Rd. and Hale Ave. in the R-1 7,000 zoning district. PM Rowe presented the staff report and Staff's recommendation to approve Resolution No. 00-04 for the use permit request. PM Rowe and AE Creer responded to questions from the Commission.

Chairman Pinion opened the meeting to public comments.

Carol Lillig, 275 Hazelton Ct., stated that she was fine with the request, but just wanted to ensure that the structure would not be located too close or too high to their rear yard fence. Ms. Lillig also stated that she appreciated the Church being accommodating to their concerns.

Tony Kingman, project architect with WHL Architects, reviewed the rendering of the existing and proposed structures of the Church. He then answered questions from the Commission.

Chairman Pinion closed the public comments.

Commissioner Mueller requested one of the Church representatives to address the Commission.

Chairman Pinion reopened the public hearing.

West Craig, Assistant Pastor of the Shadow Mountain Baptist Church, addressed Commissioner Mueller's question regarding the projected growth of the Church, specifically with respect to the increased number of children that will be utilizing the play area at any one given time. He stated that they have grown considerably over the past two years; however, that the additional structure is for basically accommodating the Sunday School classes. He also indicated that they have two services scheduled on Sundays, and

that usually only about 30% of the regular attendance stay for Sunday School, and that the largest number of children are in attendance for the 11 a.m. service. Commissioner Mueller cautioned Pastor Craig that as they expand, that they be careful that they monitor the number of children in the outdoor play area, as the noise could result in problems with the neighbors. Commissioner Lyle expressed a concern with the Wednesday service time of 6:30 p.m, and asked if the Church would be receptive to changing the start time to 7 p.m to reduce the traffic during the heavier commute time. Pastor Craig said that he saw no major problem in making the half hour time change. He later confirmed that the Wednesday services already have a start time of 7 p.m. Commissioner Lyle stated another concern regarding the Church having a parking lot on a main thoroughfare. He asked if they would be willing to put in more landscaping in order to provide additional screening of the parking lot. Mr. Kingman responded that the Church would be willing to enhance the landscaping as required.

Chairman Pinion closed the public hearing.

Commissioner Mueller asked that there be sensitivity exercised in the amount of improvements the Church is requested to put in on the east side along Hale Avenue, as it does not go anywhere. He stated that he would rather see the money put into heavier landscaping versus sidewalks. PM Rowe stated that staff would certainly look at that consideration during the site review. Commissioner Lyle requested that language be added to Section 4.2 of Resolution No. 00-04 that weekday services may not begin before 7 p.m. He also suggested that an item number 10 be added to Section 4 of Resolution No. 00-04 that states more specifically that more significant landscaping is required.

**COMMISSIONERS MUELLER/SULLIVAN MOTIONED FOR THE APPROVAL OF RESOLUTION NO. 00-04, USE PERMIT. UP-99-11: LLAGAS-SHADOW MOUNTAIN BAPTIST CHURCH, WITH MODIFICATIONS TO SECTION 4.2 TO AMEND THE HOURS OF OPERATION DURING THE WEEKDAYS NOT TO BEGIN BEFORE 7 P.M., AND TO ADD AN ITEM 10 TO SECTION 4 TO PROVIDE SIGNIFICANTLY MORE LANDSCAPING IN ORDER TO PROVIDE ADDITIONAL SCREENING TO THE PARKING LOT. THE MOTION CARRIED UNANIMOUSLY.**

**4) UPA-94-08:  
E. DUNNE-  
CHURCH ON  
THE ROCK**

A request to amend a conditional use permit to allow expansion of an existing church located at 700 East Dunne Ave. in the M-L, Light Industrial District. With the expansion, the church would occupy a 7,250 sq. ft. portion of an existing 19,875 sq. ft. industrial building. The project is categorically exempt from environmental review under Section 15301 of the State CEQA Guidelines. PM Rowe presented the staff report.

Chairman Pinion opened the public hearing.

There being no comments, the public hearing was closed.

**COMMISSIONERS LYLE/MUELLER MOTIONED FOR THE APPROVAL OF RESOLUTION NO 00-05 FOR USE PERMIT AMENDMENT, UPA-94-08: E. DUNNE-CHURCH ON THE ROCK. THE MOTION CARRIED 7-0.**

**5) VAR-99-03:  
MONTEREY-OAK  
GLEN PLAZA**

A request for a variance from the minimum required side and rear yard setbacks for a proposed building addition to the existing Oak Glen Plaza commercial center. The project is located at the southwest corner of Wright Ave. and Monterey Rd. in the CG, General Commercial zoning district. The project is categorically exempt from environmental review under Section 15302 of the State CEQA Guidelines. PM Rowe presented the staff report. He advised the Commission that the applicant is out of the Country at this time, and would not be returning until the end of February. He stated that the applicant said that if the Commission had any questions for her that would effect their decision, that she would then request that the item be continued to the March 14th Commission meeting date. PM Rowe requested the Commission's approval of Resolution No. 00-06 for the allowance for a variance from the rear yard setback requirements, and denial of the side yard variance.

PM Rowe answered questions directed from the Commission. Chairman Pinion expressed concern and stated that normally when uses are expanded, it is expected that nonconforming structures be brought into compliance. PM Rowe indicated that in the past, variances have been granted to allow straight-line extension of an existing building setback, and added that the proposed structure will not be encroaching any closer to the existing property line, but allowing the existing setback to continue. Commissioner Pinion asked Staff for clarification as to why this request is not considered a grant of special privilege. PM Rowe noted that this situation is unique in that there is an alley way separating the land between the property and the neighboring residences, still leaving 20 ft. between the properties which should be factored in. Chairman Pinion stated that it seems to him that there is a residential use here that stands to be impacted by expanding the building, whereas if it were backyards, it would not be a key impact, and that he disagreed with Staff's argument that this portion of the request is not considered "special privilege".

Chairman Pinion opened the public hearing.

There being no comments, Chairman Pinion closed the public hearing.

Commission discussion ensued. Commissioner Lyle stated that the drainage is currently a problem on the site, and that the water spills over into the children's play area in the alley way, and that it is requested that the drainage issue be taken care as part of whatever is allowed to be done with this property. He also requested that Section 3.c be modified by adding the wording "therefore, it is denied" to the end of the last sentence. Commissioner Lyle added that the farther the building is extended and the more massive it is made, the less he likes it, and he would think the less the neighbors would like it, and that he sees no reason to encroach on the 15 ft. setback. Commissioner Mueller stated that he felt that the landscape needs to be enhanced and wanted to ensure that there is adequate fire code improvements required due to the age of the building. Commissioner Lyle suggested that the alley way have some type of increased lighting if the building is extended. Chairman Pinion reiterated that he could not support the variance request because he feels that a "special privilege" is being requested. Commissioner McMahon expressed concern with the increased seclusion of the alley way, the obstruction of the view, and using

nonconformity of the residences across the alley way as an argument proposing the extension of the variance as a use. She stated that she concurred with Chairman Pinion's decision, and that she did not want to continue the request. Commissioner Sullivan commented that once a historic precedence is set, she would be uncomfortable going against that precedence. Commissioner Ridner stated that if the applicants were able to revise their plans and come up with a scheme whereby they could create an addition that would be setback from the alley way an additional 20 ft., as opposed to the 5 ft. and 15 ft. on the side and still meet their parking requirements, that architecturally and esthetically he was not sure what it would look like. He added that given the choice between the applicant's ability to do that and their ability to continue the existing setback, his preference would be for the Commission to allow the applicants to continue the back variance.

**COMMISSIONER MUELLER MOTIONED THAT THE ITEM BE CONTINUED UNTIL THE APPLICANT CAN BE PRESENT.**

**COMMISSIONERS LYLE/RIDNER MOTIONED THE APPROVAL OF RESOLUTION NO. 00-06, TO APPROVE THE REAR YARD VARIANCE REQUEST, TO DENY THE SIDE YARD VARIANCE REQUEST, AND AMEND THE END OF THE LAST SENTENCE OF SECTION 3.C BY ADDING THE WORDING ";THEREFORE, IT IS DENIED". THE MOTION PASSED ON A 4-3 VOTE AS FOLLOWS: AYES: LYLE, MUELLER, RIDNER, SULLIVAN; NOES: KENNETT, MCMAHON, PINION.**

**COMMISSIONERS LYLE/SULLIVAN MOTIONED TO DIRECT STAFF TO WORK WITH THE APPLICANT TO ENSURE THAT THE PROPOSED BUILDING HEIGHT IS CONSISTENT WITH THE EXISTING BUILDING HEIGHT; THE EXISTING DRAINAGE PROBLEM IS RESOLVED WHEN ANYTHING IS ALLOWED TO BE DONE ON THE SITE; THAT THE LANDSCAPING ON THE CORNER BUFFERING OFF THE FRONT PARKING LOT BE ENHANCED; AND THAT THE LIGHTING ALONG THE ALLEY WAY BE INCREASED. THE MOTION WAS UNANIMOUS.**

## **6) RDCS QUARTERLY REPORT**

Progress review of residential projects approved under the City's Residential Development Control System. PM Rowe presented the staff report. He recommended the Commission's approval of the RDCS Quarterly Report by minute action and to forward the report to the City Council for approval. By separate action, PM Rowe requested the Commission's approval of the following recommendations: 1) Establish the deadline of March 14, 2000 for applicant for MP-97-17: Del Monte-Del Monte Estates project to submit revised plans to the Building Division; 2) Establish the deadline of March 14, 2000 for applicant for MP-99-04: Christeph-Kosich project to apply for parcel map approval and submittal of plans for building permit; and 3) No deadline recommended by Staff at this time for Micro MP-98-35: E. Dunne-First Community Housing project. PM Rowe stated that the project is allocated over 2 fiscal years, beginning July 1, 2000. He also noted that typically multi-family projects of this type, even though they are phased over 2 fiscal years, time the construction to pull all the Phase I and Phase II portion permits around April or June and complete the project as a single

phase build-out. PM Rowe stated that Staff will continue to monitor this project closely.

Commission McMahon questioned if the Commission had the authority to impose deadlines on the ME-89-10: LaGrande Estates project. PM Rowe advised that these are exempt units under Measure E, so they do not have a scheduled deadline; however, that the Commission does have the authority to revoke the allocations. Staff was directed by the Commission to bring back application ME-89-10: LaGrande Estates before them for future action.

**COMMISSIONERS MUELLER/RIDNER MOTIONED TO APPROVE THE RDACS QUARTERLY REPORT BY MINUTE ACTION, WITH THE RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL; AND APPROVAL OF STAFF'S AFOREMENTIONED RECOMMENDATIONS OF ACTION FOR APPLICATIONS MP-97-17, MICRO MP-99-04, AND MP-98-35. THE MOTION CARRIED 7-0.**

#### **ANNOUNCEMENTS**

- League of California Cities Planners Institute, March 1 - 3, 2000 in Monterey.

#### **CITY COUNCIL REPORTS**

**ADJOURNMENT** There being no further business, Chairman Pinion adjourned the meeting at 9:58 P.M.

**MINUTES RECORDED AND PREPARED BY:**

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**FRANCES O. SMITH, Administrative Secretary**



